

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1250

United States of America,

Appellee,

v.

Anthony James Cook,

Appellant.

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* Appeal from the United States
* District Court for the District
* of Minnesota.

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[UNPUBLISHED]

Submitted: November 6, 2003

Filed: November 10, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Anthony Cook pleaded guilty to bank robbery, in violation of 18 U.S.C. § 2113(a), and he was sentenced to 77 months imprisonment and 3 years supervised release. Mr. Cook appeals the sentence imposed by the district court.¹ Mr. Cook's counsel has filed a brief and moved to withdraw under Anders v. California, 386 U.S. 738 (1967).

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

On appeal, Mr. Cook argues that the district court should have granted a greater departure from the Guidelines in sentencing him. This argument, however, falls within the scope of an appeal waiver contained in Mr. Cook's plea agreement, and after careful consideration of both the language of the appeal waiver and the circumstances of this case, we see no reason not to enforce the waiver. See United States v. Woods, No. 02-4015, 2003 WL 22331673, at *2 (8th Cir. Oct. 14, 2003). Accordingly, we decline to reach Mr. Cook's argument.

Having found no nonfrivolous issues relating to Mr. Cook's conviction after reviewing the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we affirm. We also grant counsel's motion to withdraw.
